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*Security 3*  
*CR. [Signature] 10-290*

22 August 1957

MEMORANDUM FOR: Mr. Warner

SUBJECT: Proposed Regulation on Protection and Disclosure  
of Information

1. I feel the idea behind the proposed change is a good one, but for reasons stated hereafter would present it in a slightly different form from that suggested by Col. White, as follows:  
(new matter in brackets) *the General Counsel or his designee*

b. If circumstances make it necessary for the Director to decline in the public interest to furnish the information, the person on whom the subpoena is served *will* appear in answer thereto and respectfully state ~~either in person or through the General Counsel or his designee~~ that he is acting in accordance with specific instructions of the Director of Central Intelligence in refusing to furnish the information requested.

2. I feel that it would be unfair to the subpoenaed individual and not fully protective of Agency interest to have the individual appear alone. On the other hand, we would wish as far as possible to avoid appearing uncooperative and therefore it would be well to provide in the regulation that the subpoenaed individual appear. I don't think it necessary to provide for the contingency of the individual not being able to appear; if such a situation arises then the General Counsel or his designee can appear and explain.

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Approved For Release 2004/05/12 : CIA-RDP62-00631R000400050021-1

Next 1 Page(s) In Document Exempt

Approved For Release 2004/05/12 : CIA-RDP62-00631R000400050021-1

OAC/B-7772

26 July 1957


Mr. Warner:

General Cabell believes it will be difficult to defend a pronouncement that all records and information are protected information under the responsibility for protecting intelligence sources and methods from unauthorized disclosure unless more of a rationale is given. I told him that from our review of the cases we thought this regulation would stand up, but on the other hand I have no objection to a rationale if we can develop a proper one.

Accepting General Cabell's thought, I think it could best be incorporated in a revised section 2 of the regulation:

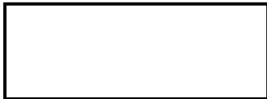
"The problem of determining what information relates to the protection of intelligence sources and methods is of such complexity that no final determination can be made in regard to any single piece of information within the Agency or the other intelligence components except at the Director's level. Under his responsibility for protection of such information there have been established over-all policies and detailed procedures for the appropriate dissemination of information and for its protection in the Executive Branch of the Government. Every request for information outside of a system designed to serve the Executive Branch becomes a special problem requiring ~~very~~ specific determination by or on behalf of the Director. Therefore, all files, documents, records, and information (whether or not reduced to writing) in the offices of the Central Intelligence Agency, including the several field offices, or acquired by any person as a result of service with or on behalf of the Agency, are to be regarded in the first instance as protected information."

I also suggest we might put in paragraph 3, line 3, after the word "Agency," a phrase somewhat as follows: "... and then only through officially established channels and procedures."

  
L. R. HOUSTON

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10 April 1957

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Proposed Regulation on Protection of  
Information Relating to Intelligence  
Sources and Methods

1. This memorandum requests your concurrence on the proposed regulation on protection of information relating to intelligence sources and methods referenced in paragraph 3.

2. The problem of denying information relating to the Agency and its operations when such is demanded under subpoena by the courts or Congress has been the subject of considerable discussion and study within the Agency. After a careful review of the problem and consideration of historical precedent, I am of the opinion that the Agency and its employees will be in a better position to refuse to reveal information if we have a published regulation prohibiting disclosure. The attached draft has been prepared with this specific problem in mind. It has been reviewed and approved by the Office of Security.

3. It is recommended that after concurrence by the Deputy Directors, the attached proposed regulation on protection of information relating to intelligence sources and methods be published.

15/  
LAWRENCE R. HOUSTON  
General Counsel

Attachment